

September 9, 2026

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Joe Liebzeit, Chair, Ocean Policy Advisory Council
Duncan Berry, Vice Chair, Ocean Policy Advisory Council
Andy Lanier, Staff, Ocean Policy Advisory Council

Dear Joe, Duncan, Andy and OPAC members:

I want to share some thoughts about the idea of reviewing and perhaps revising the Oregon Territorial Sea Plan (TSP). As you likely know, I was the staff support for the OPAC when the plan was written 1991 - 1993. I worked with staff at ODFW, DOGMI, OPRD, and other agencies, as well as experts at OSU and U of O, and was the primary plan author. I have been ruminating on the factors that drove that plan and what is different in our current moment that presents both need and opportunity. I am also writing with my Elakha Alliance hat on; I have spent the last eight years digging deeply into the extensive scientific literature on marine ecosystems and how the presence of sea otters protects and enhances their ecological resilience and productivity.

It is fair to say that the current Territorial Sea Plan is not so much a plan as a defensive shield for the State of Oregon to protect its ocean resources from harm in the face of proposals for new uses. It was born of experience with historic and potential ocean uses and proposals (e.g. oil and gas drilling and marine mineral mining), the need for clear and consistent state goals and policies, and a coordinated state response to proposed uses. The key word here is “response.” Neither the TSP nor associated state agency regulations are proactive; they are reactive.

The TSP was written at a time when it was taken for granted that Oregon’s marine ecosystem and its “renewable marine resources” were healthy. Thus the focus was on protecting these resources from harm. The ecosystem beneath the ocean surface was assumed to be humming along with various ups and downs within “normal” seasonal, annual and decadal variations. I made that assumption as much as anyone and now understand that I had been lulled by what is characterized as a “shifting baseline.”

While we were using the TSP and OPAC to play defense from new uses, the underlying marine ecosystem was undergoing dramatic changes at all scales. We now know that it has been altered and is increasingly threatened by a variety of human actions beyond the footprint or control of the State of Oregon.

Two large-scale factors contribute to these changes: one is a warming climate driven by more than a century of enormous increase in human-generated carbon dioxide in Earth’s atmosphere. This increase has driven significant changes in ocean temperatures throughout all seasons, storm frequency and magnitude, distribution and abundance of a range of marine organisms, and ocean

water quality. These changes threaten both the marine ecosystem and the marine-based economy of the Oregon coast that relies on a functioning, productive ecosystem.

A second is the century-long absence of sea otters, a keystone species in the marine ecosystem, and more recently, the near-extinction of sunflower sea stars, also a major ecosystem regulator. In particular, the ecological consequences of the long absence of sea otters were neither understood nor appreciated in Oregon until recently when the loss of sunflower sea stars, coupled with rising ocean temperatures, exposed kelp forests to predation by purple sea urchins, resulting in destruction and loss of their function as the ecological engine of the nearshore marine environment.

The Territorial Sea Plan did not, of course, anticipate these changes and has no provisions for addressing them. There are few steps humans can take to restore and protect a marine ecosystem that seems to be unraveling. But this is an opportunity to do so by infusing the TSP with goals and objectives for restoring and maintaining a biologically productive, resilient marine ecosystem and specifying steps that can be taken to do so. I envision a new Part Six: Ecosystem Restoration, based on the extensive scientific literature about kelp forests, their ecological importance, the role of sea otters as a keystone species in the nearshore and estuarine environments, and the importance of sunflower sea stars, another keystone species. Such an addition, with its goals and objectives for ecological restoration, would be a powerful tool for delivering coordinated action by public and private entities.

Two recent documents support this approach. The first is the [State Wildlife Action Plan](#) (SWAP) revised in late 2025 by ODFW. In it, kelp and eelgrass are listed as *Key Habitats* and as *Species of Greatest Conservation Need*. More than a dozen fish and invertebrate species that use these habitats are listed as *Species of Greatest Conservation Need*. The SWAP also lists sea otters and pycnophodia (sunflower sea stars) as *Species of Greatest Conservation Need* and lists Climate change as a *Key Conservation Issue*. A new Part Six of the Territorial Sea Plan should reflect these conservation needs and include goals, policies and actions to resolve them.

The second document is the governor's [Executive Order 25-26](#) directing state agencies to take actions on public lands and waters to combat the threats from and effects of climate change on Oregon's ecosystems and economy. Nowhere is this challenge more daunting than in the state's Territorial Sea. Given the scale and dynamics of this environment, options for meaningful human intervention are limited. But scientific evidence clearly points to the return to Oregon of keystone species such as sea otters as the principal action that the state can – and should – take to not just meet the Governor's directive but to actually restore our marine and estuarine ecosystems to provide long-term ecological and economic benefits. A new Part Six can drive this forward.

In January 2026 the Elakha Alliance provided the governor and key agency heads with [an analysis](#) of how returning sea otters to the Oregon coast will help achieve at least five objectives in the governor's order. We explained why the absence – and return – of sea otters matters and described the ecological and climate consequences of returning sea otters to Oregon. I believe this may be informative for you, too. In addition, this [2022 Feasibility Assessment](#) by the US Fish and Wildlife Service contains relevant background information and concepts.

I appreciate the opportunity to provide my thoughts and look forward to working with you.

Sincerely,

Robert J. Bailey

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